

# NOMINATIONS

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## HEARING

BEFORE THE

### COMMITTEE ON INDIAN AFFAIRS UNITED STATES SENATE

ONE HUNDRED SEVENTH CONGRESS

SECOND SESSION

ON

NOMINATIONS OF PHILLIP HOGEN TO SERVE AS CHAIRMAN OF THE  
NATIONAL INDIAN GAMING COMMISSION AND QUANAH CROSSLAND  
STAMPS TO SERVE AS COMMISSIONER FOR THE ADMINISTRATION  
FOR NATIVE AMERICANS

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SEPTEMBER 25, 2002  
WASHINGTON, DC



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## NOMINATIONS

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WEDNESDAY, SEPTEMBER 25, 2002

U.S. SENATE,  
COMMITTEE ON INDIAN AFFAIRS,  
*Washington, DC.*

The committee met, pursuant to other business, at 10:08 a.m. in room 485, Senate Russell Building, Hon. Daniel K. Inouye (chairman of the committee) presiding.

Present: Senators Inouye, Campbell, Johnson, Reid, Akaka, and Dorgan.

### STATEMENT OF HON. DANIEL K. INOUE, U.S. SENATOR FROM HAWAII, CHAIRMAN, COMMITTEE ON INDIAN AFFAIRS

The CHAIRMAN. The Committee on Indian Affairs meets this morning to consider the nominations of the President of the United States of Phillip Hogen to serve as the Chairman of the National Indian Gaming Commission and Quanah Crossland Stamps to serve as the Commissioner for the Administration for Native Americans.

To present Mr. Hogen, may I recognize and call upon the distinguished member of this committee, Senator Tim Johnson.

Senator CAMPBELL. Senator Johnson is not here, Mr. Chairman, but with your approval, I do have a letter from Representative Thune for the record in support of the nomination.

The CHAIRMAN. Without objection, so ordered.

Senator REID. I would ask that Senator Johnson's statement be made part of the record.

The CHAIRMAN. Without objection, so ordered.

[Prepared statement of Senator Johnson appears in appendix.]

The CHAIRMAN. We have not had any objections to the nomination and the approval of the nomination of Phillip Hogen as Chairman of the Commission. Are there any questions, objections?

Mr. Hogen, do you have a statement to present to us, sir?

### STATEMENT OF PHILLIP HOGEN, NOMINEE FOR CHAIRMAN OF THE NATIONAL INDIAN GAMING COMMISSION

Mr. HOGEN. Good morning, Mr. Chairman, Mr. Vice Chairman, Senators. Yes, Mr. Chairman, I have a written statement that I would submit for the committee's record, and I would like to briefly cover some of the high points of that.

I'm Phil Hogen. I'm an Oglala Sioux from the land of Red Cloud, the Pine Ridge Indian Reservation in South Dakota. I learned about Indian law shortly after I got out of law school when I had

the opportunity to represent the Lower Brule and Crow Creek Sioux Tribes and quickly discovered that there are many legal, economic, and social challenges that face our over 500 tribes.

After I got my feet wet in the practice of Indian law out in Kennebec, SD, I joined another fellow from Kennebec, Jim Abdnor, who was elected to Congress in 1972 and came with him to serve on his staff here in Washington. We just got to town, so to speak, when the American Indian movement took over Wounded Knee out in our district. So we quickly were immersed in Indian affairs and Federal Indian policy issues. That was a very enlightening experience and I made relationships back then in the Justice Department and in the BIA and Department of the Interior that I maintain today.

I went back to South Dakota after Congressman Abdnor's first term and became the local prosecutor out on the Pine Ridge Indian Reservation and in Jackson County, SD. Kadoka is the county seat, that's where I was born and raised. I prosecuted crimes of a wide variety while in that capacity. I became active in the States Attorneys Association, became President of the South Dakota States Attorneys Association, served on the board of directors of the National District Attorneys Association, and in 1980 when President Reagan was appointing U.S. attorneys, with then-Senator Jim Abdnor's help, I became the U.S. attorney for South Dakota.

I had the privilege of serving in that capacity over 10 years. That was a very interesting and rewarding job, but one of the frustrations of that position was the vast amount of violent crime that occurs in South Dakota's Indian reservations. I'm convinced that a root of that crime is the poverty that exists there and the social and economic conditions that follow. I served as the chairman of the Attorney General's Committee for Indian Affairs, and at the outset, in the early 1980's, we only had a handful of U.S. attorneys interested in that activity, because they were doing what I was doing, that is, prosecuting felonies in Indian country where we had Federal jurisdiction.

As the 1980's wore on, however, Indian gaming started to spring up throughout Indian country and U.S. attorneys that didn't know they had Indians suddenly discovered them and became interested in our committee. They wanted to know what they could do about Indian gaming. We didn't have a real good answer to that. Shortly thereafter the *Cabazon* decision was decided, and then in 1988, of course, the Indian Gaming Regulatory Act was enacted and Indian gaming was off and running, so to speak.

I participated in some of the early cases interpreting that act, trying to decide is keno a version of bingo or not, and it was decided that it was not. We had a case dealing with the grandfather clause for the card games. As the chairman of the Indian Affairs Subcommittee, I got kind of a national perspective on where Indian gaming was going. When I left the U.S. attorneys position in 1991, Secretary Lujan at the Department of the Interior asked me if I would organize and become the first director of the Office of American Indian Trust, which I was proud to do. We just got started doing that when there was a change in administration, and then in 1993 I went back to Rapid City, where I practiced Indian law and focused on Indian gaming.

One of my big projects was Indian gaming that my tribe, the Oglala Sioux, got into. We had to draft the tribe's gaming ordinance, submit that back to the Chairman of the National Indian Gaming Commission, negotiate a tribal-State compact with the State of South Dakota, draft gaming regulations, negotiate a management contract, submit that to the NIGC, hire and train a tribal gaming commission and get that casino, the Prairie Winds Casino, open and running. So I kind of got to go through all the phases of getting the tribal gaming operation up and going.

About that time, a candidate was needed to serve on the National Indian Gaming Commission, and in 1995, Secretary Babbitt asked if I would serve on the Commission. So I did that, joining the Commission in 1995, and I served a 3-year term. At the end of my 3-year term, I was the only commissioner there, so I was told I couldn't leave and I needed to stick around until Chairman Montie Deer came on board. Then I left in July 1999, when the other two commissioners came on board.

That was a very dynamic period for Indian gaming and for the NIGC. I served with four different chairs of the Commission. I'm not sure that was good for the Commission, as there was kind of a musical chairs situation there for a while. But we did expand the Commission's activities. The industry had outgrown the Commission's ability to regulate it with the funding we had to begin with. We got funding changed so that we could assess a fee on class III gaming. We opened five field offices, we hired a professional audit staff and I think started to make some progress on being in places we needed to be and spending the amount of time we needed to spend to do what the Indian Gaming Regulatory Act mandated of the Commission.

We also adopted the Minimum Internal Control Standards, and I think brought greater needed regularity to the way Indian gaming was conducted throughout the country. When I finished my stint in 1999 on the Commission, I went back to Rapid City, again practiced Indian law, affiliated with the Holland and Knight firm and their office here in Washington, and so was able to serve some of their national clients, primarily in the area of Indian gaming regulation, working with their client tribes who were in the gaming business, helping improve their tribal gaming regulatory codes and train their gaming regulatory staff.

Last fall, Secretary Norton and Solicitor Bill Myers called and asked if I would serve as the Associate Solicitor for Indian Affairs. So in October of last year, I came back to Washington to assume that position, and that's what I'm doing now. That's been a very interesting, challenging opportunity, and I greatly enjoy the opportunity of working with Secretary Norton and Assistant Secretary McCaleb, and think they are doing fine work there. Part of what they do, of course, impacts on Indian gaming. They approve the tribal-State compacts and I have had the opportunity to advise in connection with the adoption or the approval and the rejection of proposed compacts. We also of course advise with respect to the taking of lands into trust.

So throughout my career, I've had an opportunity to be in a number of places to see Indian gaming and the law that pertains to it develop, to see how that industry has assisted tribes. Of course, it

has not assisted all of the tribes, and not all of the tribes equally. But it has been a very effective economic development tool where it's been put to good use. I would look forward to the opportunity to go back to the National Indian Gaming Commission. Most of the folks that are there were hired or were working there when I was there. I don't think there would be a real long learning curve to get up to speed, and I look forward to that opportunity, if this committee and the Senate see fit to approve my confirmation.

I would be happy to respond to any questions that the committee might have.

[Prepared statement of Mr. Hogen appears in appendix.]

The CHAIRMAN. I thank you very much, Mr. Hogen.

Mr. Hogen, previous commissioners of the NIGC have publicly stated that the Commission is exempt from the provisions of Executive Order 13175, the Executive order that requires all Federal agencies to consult with Indian nations. What is your position?

Mr. HOGEN. At the Department of the Interior, I am working with Secretary Norton in developing a departmental consultation policy. I have observed first-hand the consultation at work at the Bureau of Indian Affairs, particularly with the Tribal Trust Reform Task Force, and view that to be a very productive exercise.

I have not focused on the scope of that order, and how it might impact legally on the National Indian Gaming Commission, so I can't give you an informed legal opinion. I can tell you that I know it's folly to try to impose rules on Indian nations without first seeking their view and at least in practice, if not legally required, I would go to the Commission I would attempt to follow that practice.

The CHAIRMAN. You would not object to consulting with Indian nations?

Mr. HOGEN. No; I think that is very wise.

The CHAIRMAN. We have been advised that the Commission's review of management contracts, or contract applications, typically takes 6 months to 1 year. Are you going to do something about that?

Mr. HOGEN. I certainly hope so. I told the story about representing my tribe as we went through the approval of the management contract, or submitting the management contract to NIGC for approval. In fact, before that exercise was over, they fired me. Matter of fact, they fired me at one of their meetings that was broadcast over the radio. So I've been fired over the radio. And the reason they fired me was because I couldn't get the NIGC's approval of that management contract. It languished there for what seemed to me like forever. It was signed in December 1994, and it was actually approved by NIGC in the exact form I drafted it the week I joined NIGC in December 1995. It took way too long to get that thing approved.

It's a difficult responsibility. The NIGC has a very serious responsibility, that is, they must exercise the trust responsibility; they must make sure tribes aren't taken advantage of. Yet those deals, those contracts are fragile situations financially and politically. They have a short shelf life and Government's got to realize that you've got to move quickly to get those things reviewed and



approved. So to the extent that I could speed that process, I will be very dedicated to accomplishing that.

The CHAIRMAN. On the matter of interpreting the act, would you take an independent position or feel bound by the position taken by the Justice Department?

Mr. HOGEN. I think that commissioners are appointed to the NIGC to exercise their independent judgment. Certainly I'm aware that where possible, the Federal Government should speak with one voice, and having been a player both in the Justice Department and the Department of the Interior, I try to achieve that. But I think the National Indian Gaming Commission is the expert in the Federal Government in the area of gaming and Indian gaming in particular. And I don't think I would be constrained if I felt strongly that the Justice Department were not on the right track that NIGC and its point of view should be heard.

The CHAIRMAN. Thank you very much, Mr. Hogen.

Before I call upon the Vice Chairman, may I recognize Senator Johnson, if he would wish to say something.

**STATEMENT OF HON. TIM JOHNSON, U.S. SENATOR FROM  
SOUTH DAKOTA**

Senator JOHNSON. Thank you, Mr. Chairman. I regret that because of accidents on all the bridges coming into the city today that it took me 1½ hours to cover 15 miles to get to the Hill. I regret that I was not here in a timely fashion to introduce Phil Hogen. I've known Phil for many years. I think that his nomination by the President is an excellent choice. I know that he will do an extraordinary job as chairman of the National Indian Gaming Commission. I congratulate him on his nomination.

I have a more complete introduction that I'll submit for the committee record. Thank you, Mr. Chairman.

The CHAIRMAN. I thank you very much.

Mr. VICE CHAIRMAN.

**STATEMENT OF HON. BEN NIGHTHORSE CAMPBELL, U.S. SEN-  
ATOR FROM COLORADO, VICE CHAIRMAN, COMMITTEE ON  
INDIAN AFFAIRS**

Senator CAMPBELL. Thank you, Mr. Chairman. I certainly concur with Senator Johnson. I've known Mr. Hogen for a long time in his different jobs and he's always done a very, very fine job. I think President Bush has made an outstanding choice, too. Certainly the Indian Gaming Commission is becoming more complicated, as he knows. We hear about it all the time on this committee, as you probably know, Phil. There have been huge successes made by the tribes that have gamed. I think they've done a wonderful job in providing jobs for their people and money for their seniors and scholarships for their kids, things of that nature. And I'm very supportive of it.

But clearly there's been a little bit of a backlash in some areas, too, as you know, from communities that think that somehow it's increased crime or something of that nature. We had somebody testifying the other day to that effect, and I don't agree with that, but that's what we hear at this committee.

So I know it's becoming much more difficult. And I know being a Lakota yourself that you're very concerned about the welfare of Indian people. And I certainly don't need a legal opinion about whether the NIGC has to consult with tribes or not. Your word is good enough for me that you will consult with them. Because they have it tough enough already. So I would appreciate that.

Let me ask you maybe just a couple of questions. In the 14 years since we enacted the Indian Gaming Regulatory Act, in your opinion has the Commission been able to keep up with the changing face of gaming? We've increased the budget, I don't know, I think four or five-fold, with an increase in the number of people that are in the regulatory framework, but the number of casinos are going up. I'm not altogether sure that they've had the manpower, the resources and so on to do the job they need to do.

Mr. HOGEN. In my experience, the growth of the industry has been greater than the expansion of the Commission's ability to provide the oversight they are required to do. For example, when we set up the five field offices we opened when I was on the Commission, we put an office in Sacramento, CA. It turns out much of the development recently is in southern California, and it's just not possible to adequately cover all of that territory from that office.

I don't know all of the details about some of the budget challenges there. I do know from casual conversations that I've had with friends and Chairman Deer that because they're short on dollars, they can't do the travel that's required to be all the places they should be. This not only of course adversely affects the regulation and oversight that they should do, but it's really hard on the morale of the folks that are supposed to be doing the job when they're sitting in there in their office wringing their hands as opposed to being out consulting with tribal gaming commissions, looking at records and so forth. Not only do they feel bad, but the institution gets a bad image itself.

So I'm hopeful that some way they will soon be up to the task of being all those places they need to be all of the time.

Senator CAMPBELL. As the regulatory framework began to broaden, we did get some feedback in committee here from at least some tribes that felt that the Commission was acting more in a punitive manner rather than a regulatory manner. I remember on several occasions when we dealt with the increase of budget. I was reluctant to support that because a lot of tribes were absolutely opposed to it, which leads me to my next question. The Administration has an idea about pegging the rate charged to Indian casinos to the gross revenues of the total industry. First, do you think that's a viable concept? I have a hunch the tribes would probably be opposed to that, but I'd like to know your view on it.

Mr. HOGEN. I think that it's a viable concept. There's going to be always tension between the regulators and the regulated community. Nobody likes to watch the highway patrolman in their rear view mirror, I think, but they're probably glad that they're out there generally. I think that the industry would be well served or better served if there is adequate, not too much, but adequate Federal oversight. And I think that if they can't get taxpayers dollars to do that, then the industry themselves can afford to do that.

The sliding scale, I think, would be a better way to handle this, rather than having to come back to Congress hat in hand every so often to say, it's again outgrown our capacity to do the job. So I have not studied it to the extent I might have when I was serving on the Commission but, from the perspective I've had, I think that's a positive approach.

Senator CAMPBELL. I wish Senator Reid was still here, who knows so much more about non-Indian gaming than I do. But as I understand it, gaming regulation on what I might call the outside, Las Vegas, Atlantic City, and so on, is paid for through licensing fees. Would this concept of a floating fee rate, would that be viewed as a tax or fee for services?

Mr. HOGAN. Well, I don't think you can exclusively say it's a fee for services. And the reason I say that is, there are small, new operations just getting started for which there's a great need for NIGC services. I don't think it would be fair to charge those folks that are just getting started more than they could afford and jeopardize the success of their operation. You have these big mega-operations that have the finest local regulatory mechanism in the world, and they probably don't need quite as much service as those smaller starting operations.

So I don't think there can be a direct correlation between service and fee. But there needs to be some correlation there. So I think everybody needs to pay their fair share, but it wouldn't always equate to how much service a particular facility received.

Senator CAMPBELL. Yes; it's going to be probably a pretty delicate issue.

Mr. HOGAN. I expect so.

Senator CAMPBELL. The other casinos, they pay income tax, and that income tax offsets the cost of the Federal regulators that are needed, even though the State gaming commission does most of it. So it will be—anyway, I hope that you would move along carefully on that.

In the past 14 years, you were here in 1980, as Senator Inouye was, and I was, and many of us were, the original aims, I remember, I was still on the House side, but the original aims, and the reason I really supported it in 1988 was that it was going to really try to promote economic development, and number two, to protect Indian gaming from any corrupt influence. Do you think we've largely achieved those two?

Mr. HOGAN. Yes; I think those objectives have been accomplished. It certainly hasn't solved all of the economic problems on all of the reservations. On my reservation, which unfortunately is the poorest county in the State, when we opened the casino, we created 100 new jobs, desperately needed jobs, that we didn't have before. In my opinion, that was the single most positive accomplishment.

Unfortunately, unemployment went up after we did that, because more people came back to the reservation to get those jobs than we had jobs. And of course, we're not next to San Diego or Minneapolis, so we don't have a huge market. We've got a little operation there that makes some money. And so it hasn't solved all of our problems.

In terms of the organized crime thing, first of all, I think the unique nature of tribal government, doing business on the reservation, doesn't lend itself for the Mafia to come in and be warmly accepted. Those folks know who they're going to be doing business with. And they've taken regulation of gaming seriously. Fortunately, Indian gaming didn't have to reinvent the wheel. Nevada learned the hard way, they kind of made the mistakes along the way, and Indian gaming was able to build on that model, looking to New Jersey and elsewhere. So we started way ahead of the game.

And I think with those tools and with those circumstances, organized crime has not made an in-road. But we've always got to be vigilant. We can't let down our guard in that regard.

Senator CAMPBELL. I agree. I remember when we originally talked about it, I think I made the statement years ago, there's probably more crime in five city blocks in New York than there is all of Indian country, if we wanted to compare where crimes are being committed in this country.

As you know, the book of regulations provided by Indian tribes for class II gaming and by tribes and States for class III gaming pursuant to the compacts, I think that's what we probably intended. There have been some changes, though, since we passed the act, there are some new machines coming out that there is some disagreement about whether they're two or three. Would you like to comment on that? How do we handle that, some of the new forms of gaming?

Mr. HOGAN. Technology is difficult to keep up with in a static piece of legislation. Definitions were written in 1988 and there have been great advances in computer science and gaming science and so forth since that time. The concept, I think, still can be identified. We were talking about bingo games and games like bingo, games where you're not playing against the house. That's class II. Class III is everything else, slot machines, blackjack, and so forth. So I think as long as we keep that principle in mind, we can find the appropriate line.

But some of those machines are going to present a great challenge to find out just, do they fall over the line or not. So I think there has to be constant study made of what that definition is in terms of the NIGC regulations, how it's applied and courts are probably going to have to provide some of the ultimate answers just as to what that means.

Senator CAMPBELL. Thank you. Maybe one last question that's a little bit akin to it. We just did a hearing last week and heard from some communities that were very upset that when tribes expand gaming in their towns or near their towns, because they are federally recognized, that they don't have to comply with local land use planning or building codes or so on, and that creates a real impact for the community. How do you view that?

Mr. HOGAN. Well, I guess I should preface that by saying, the NIGC has a role to play, but it always needs to remind itself that it's a narrow role. We shouldn't comment too much on a lot of industry-wide questions, rather focus on regulation. But with respect to where the casino or the bingo operation fits into the community, as the ordinance is considered by NIGC, it needs to make sure they

touch all the bases there and don't ignore things that they should be respectful of or step beyond what they can do. The tribes will be well served if they sit down with those communities to begin with and say, let's work this out, rather than just trying to stick something there that doesn't fit.

But tribal sovereignty is tribal sovereignty. And that needs to be borne in mind, and hopefully with that in mind, facilities and the tribes can work with the surrounding communities and avoid those confrontations. But again, there probably will be some court challenges as those things are finalized.

Senator CAMPBELL. Good. Thank you. I see you've come down very firmly in the middle, and that's what most of us do. [Laughter.]

Thank you. I have no further questions, Mr. Chairman.

The CHAIRMAN. Thank you very much. Senator Johnson.

Senator JOHNSON. Thank you, Mr. Chairman. I think we have a couple of votes coming up, and let me be very brief. I want to again welcome Phil to the committee.

Just a couple quick questions. In addition to the Washington office, I know that NIGC currently has five additional field offices located across the country. Is that adequate? Is that an infrastructure that's adequate for your needs, or do you have any plans to expand the presence of NIGC in Indian country with the use of the field offices?

Mr. HOGEN. I don't have any plans yet, but I might make some soon if I do get to the National Indian Gaming Commission. As I mentioned in response to an earlier question, southern California is probably an area that is under-served right now. To my chagrin, our area, the Great Plains, is kind of the stepchild of the system right now. They are served to the extent they can be by the St. Paul office with some help from the Portland office from time to time, and there's just too many miles to sit behind the windshield to get out there to go to those facilities to adequately do that from St. Paul or Portland.

So I think if the resources are there, Montana and North and South Dakota need some attention and perhaps need an office out in that area. So if the resources are there, those would be positive steps to take, I think.

Senator JOHNSON. So you would regard southern California and the Great Plains as probably the two priorities that come most immediately to mind in terms of expansion of services?

Mr. HOGEN. From what I know right now. Once I get to the Commission, I'm sure I will learn more. But that's my perception.

Senator JOHNSON. Let me just ask you quickly whether you have any idea as to when the two associate commissioners are going to come on board at the Commission.

Mr. HOGEN. I've spoken with both of those commissioners and am delighted with the backgrounds that they will bring to the Commission. I think shortly after the 30-day period following the publication in the Federal Register, they will be coming on board. So I think that will be in the very near future, but I can't give you a precise date.

Senator JOHNSON. Very good.

Mr. Chairman, that's all that I have. I know that we're short on time, but thank you for this opportunity. And again, I'll submit a more complete statement relative to Mr. Hogen for the Committee record.

The CHAIRMAN. Thank you very much.

May I invite Congressman John Thune of South Dakota, if he wishes to testify.

Mr. THUNE. Thank you, Mr. Chairman. I have a statement I'll submit for the record.

The CHAIRMAN. Without objection, so ordered.

[Prepared statement of Mr. Thune appears in appendix.]

**STATEMENT OF HON. JOHN R. THUNE, U.S. REPRESENTATIVE  
FROM SOUTH DAKOTA**

Mr. THUNE. I appreciate that very much. We also have a vote going on in the House right now.

But let me just simply say that I'm honored to be here today and speak on behalf of Phil Hogen. He is someone who is extremely knowledgeable, not only of the law, but also of the legislative and political process, has a full understanding of Indian gaming. Someone I've known for a long time, as his family. He comes from the same part of South Dakota where I'm from. A couple of his brothers were contemporaries of mine in high school.

Not only are you getting someone who is totally qualified for this job, extremely capable, but also someone who has enormous character and will perform admirably. So I'm honored to be here this morning to speak on his behalf and encourage you to confirm him soon. Thank you, sir.

The CHAIRMAN. I thank you very much, Congressman.

On October 1, this committee will gather to consider the executive calendar. And Mr. Hogen, I assure you that your name will be on the top of the list.

Mr. HOGEN. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much.

On July 10 of this year, the President of the United States nominated Quannah Stamps to be Commissioner of ANA. Ms. Stamps is an enrolled member of the Cherokee Nation of Oklahoma. She served as an assistant administrator for Native American affairs with the Small Business Administration and acted as the senior adviser to the administrator on business and economic development for the Native American community. Ms. Stamps has a masters degree in international commerce and public policy from George Mason University and holds certificates from the National Development Council. We are most pleased to have you, Ms. Stamps. Do you have a statement?

**STATEMENT OF QUANAH CROSSLAND STAMPS, NOMINEE FOR  
COMMISSIONER, ADMINISTRATION FOR NATIVE AMERICANS**

Ms. STAMPS. Yes; I do, Mr. Chairman. And there has been one submitted earlier. I'm just going to summarize my statement to you.

The CHAIRMAN. Your full statement will be made part of the record.

Ms. STAMPS. Good morning, Mr. Chairman and members of the committee. My name is Quanah Crossland Stamps, and I am an enrolled member of the Cherokee Nation in Tahlequah, OK. It is an honor to appear before you today as President George W. Bush's nominee to be the commissioner of the Administration for Native Americans.

Joining me today is my husband of 17 years, Col. Robert Stamps. I would also like to acknowledge my daughter Sequoyah, my mother, Nora Carrington, and my father, John Crossland, who could not be here with me today.

The CHAIRMAN. Are they here today?

Ms. STAMPS. My husband.

The CHAIRMAN. This is your day. Colonel, why don't you stand up so we can see you.

Ms. STAMPS. Again, I'd like to acknowledge my mother, Nora Carrington, and my father, John Crossland, who could not be with me today, but they are watching the live broadcast on the internet.

Mr. Chairman and members of the committee, as you know, ANA is located within the Department of Health and Human Services, within the Administration for Children and Families. If I am confirmed for the statutory position of commissioner, I will have the privilege to work with Secretary Tommy Thompson and Assistant Secretary for Children and Families, Dr. Wade Horn. We will work together on social and economic development issues affecting and enhancing the lives of Native Americans, Alaska Natives, American Indians, Native Hawaiians, Samoans, and other indigenous populations throughout the Pacific Basin.

If confirmed, I will bring to this position a wide range of experiences that have prepared me for this important job. In 1990, I received my bachelor's degree from George Mason University and in 1991, I accepted a position with the Bureau of Indian Affairs [BIA] in the Division of Contracting and Grants Administration. During my tenure with the BIA, I worked on procurement policy issues governed by the Buy Indian and Indian Self-Determination Act and on administrative processes that regulated Federal contracts and contract grant awards to Native American owned businesses and tribal organizations. I drafted and provided written and oral comments on pending legislation and I negotiated the regulations to implement the Indian Incentive and Mentor-Protege programs.

In 1994, I accepted the position of Assistant Administrator for Native American Affairs with the U.S. Small Business Administration. In this capacity, I was the senior policy adviser to the administrator on business and economic development activities and the delivery of SBA programs that served Alaska, Hawaii, and American Indian people in the lower 48 States.

In fiscal years 1995 and 1996, I developed and implemented a 9-State pilot project to establish 21 rural reservation-based tribal business information centers. This was a joint Federal initiative with the BIA. It involved the negotiation of several public-private partnership agreements in an effort to ensure these communities had access to technical, educational and financial assistance services necessary to establish small businesses and create employment opportunities. Today, due to the hard work of dedicated people and the support of communities, tribes, tribal colleges and several Fed-

eral agencies, there are 18 TBIC's operating, which have helped to establish and expand hundreds of small businesses in areas of the country with chronic high unemployment.

From 1998 to 2000, I completed my graduate studies in international commerce and public policy from George Mason University. My studies focused on transitional economies, U.S. trade agreements, the process of country risk analysis and international business transactions. In 1998, I also established a consulting practice to provide business technical assistance to foreign companies interested in accessing the U.S. marketplace. I accepted contracts to research the business strategies of U.S. aviation and aerospace companies, and to provide business technical assistance to tribally owned firms, as well as to review development proposals on behalf of the U.S. Department of Treasury, Community Development Financial Institutions.

I have worked in the Russian Far East and the Republic of Macedonia on projects to develop small businesses and community development organizations. Each of these projects involved countries whose economies were in severe transition and had very little private sector development or employment opportunities. I worked with organizations to build their business capacities, market their communities and sell their products in the international marketplace.

Mr. Chairman and members of the committee, if confirmed as commissioner, I will serve as a visible and effective advocate on behalf of Native American people, and I will be responsible for the oversight and administration of a multi-million dollar grant program. The authorizing legislation for ANA's grant program is the Native American Programs Act. Currently, in accordance with this act, ANA distributes \$45.8 million annually for social and economic development projects. ANA carries out this function through four discretionary grant programs: the Native American Language Preservation Program, the Environmental Regulatory Enhancement Program, the Social, Economic, Development Strategies or SEDS Program, and the Alaska SEDS program.

In addition to managing these grant programs, if I am confirmed, I will also be the chair for the Department of Health and Human Services Intra-departmental Council for Native American Affairs. This council has recently been re-established by Secretary Thompson and is consistent with the Secretary's "One Department" initiative. It will bring together the senior staff of all HHS program offices to improve communication and to coordinate Native American programs and services. It will also ensure the development and consistent administration of policies affecting Native Americans.

Mr. Chairman and members of the committee, I realize that you cannot have healthy families and healthy children without the appropriate infrastructure, businesses and jobs. I want to assure you that if I am confirmed, I will use creativity and innovation to design and implement economic development programs. I intend to partner with other Federal agencies and I will negotiate private-public partnership arrangements in order to leverage the ANA budget. In pursuing these goals, I will confer with Congress, other Federal agencies, tribal governments, tribal colleges, and Native American organizations.



Mr. Chairman and members of the committee, as you know, the challenges facing indigenous communities in the United States and its territories are many. But if we are to have healthy children and healthy families, it is incumbent upon us to provide the resources that are appropriate for each distinct community.

Working together with the support of Congress, the Department of Health and Human Services and other Federal agencies, we can weave a tapestry of programs that help achieve sustainability and allow indigenous communities to become active participants and contributors to the global economy.

Thank you for the opportunity to testify today. I look forward to working with you all. I would be pleased to answer any questions.

[Prepared statement of Ms. Stamps appears in appendix.]

The CHAIRMAN. I thank you very much, Ms. Stamps. Without objection, the statement of Senator John Warner of Virginia in support of your nomination will be made part of the record.

[Prepared statement of Senator Warner appears in appendix.]

The CHAIRMAN. Because of a vote that is pending at this moment, may I submit to you four questions and request a written response to be submitted by this weekend.

On October 1, Tuesday, an executive session of this committee will be held. At that time, your nomination will be on the agenda.

Ms. STAMPS. Thank you, Mr. Chairman. I appreciate your time.

The CHAIRMAN. And with that, the hearing is adjourned.

[Whereupon, at 10:48 a.m., the committee was adjourned, to reconvene at the call of the Chair.]



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## APPENDIX

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### ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

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PREPARED STATEMENT OF HON. TIM JOHNSON, U.S. SENATOR FROM SOUTH DAKOTA

Chairman Inouye, Vice Chairman Campbell, members of the committee, it is an honor and pleasure to introduce to you Phil Hogen, a member of the Oglala Sioux Tribe of South Dakota to the Senate Committee on Indian Affairs, a committee I am honored to serve. With confidence, I urge this committee to confirm Phil Hogen as Chairman of the National Indian Gaming Commission.

With 562 federally recognized Indian tribes, 201 of them operating 321 facilities that generated \$12.7 billion last year, Phil's new job will be no small task. But I am convinced that with his wealth of legal experiences, including serving as the U.S. attorney for the State of South Dakota, and most recently the Assistant Solicitor of Indian Affairs, coupled with his problem solving skills, will make him an even-handed and effective regulator.

Tribal gaming is regulated by three entities—tribes, States, and the Federal Government. It is important to remember that tribes, as they should be, are the primary regulators of Indian gaming. I have no doubt that Phil will be respectful of the way his agency will interface with the tribes. I urge the National Indian Gaming Commission, under Phil's leadership, to continue to operate on a government to government relationship and consult with tribes in a meaningful way.

Again, I urge my colleagues on the Senate Committee on Indian Affairs to vote in favor of the confirmation of Phil Hogen and I congratulate him on all his successes.

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PREPARED STATEMENT HON. JOHN R. THUNE, U.S. REPRESENTATIVE FROM SOUTH DAKOTA

Mr. Chairman, Mr. Ranking Member, Mr. Hogen, and distinguished Senators of the Committee on Indian Affairs, thank you for the opportunity to introduce to you a superbly qualified individual from South Dakota as the nominee for chairman of the National Indian Gaming Commission [NIGC].

When it came to my attention that the current Administration was searching for a new chairman for the NIGC, Phil Hogen's name immediately came to mind. Phil's background, knowledge and experiences are exactly the qualities needed to fill the chairman's position, and that is why I contacted the Administration and gave him my highest recommendations.

Phil grew up in a small town in the Midwest, much like myself. His hometown of Kadoka is a short 39-mile drive on Interstate 90 from my home of Murdo, and he is a member of the Oglala Sioux Tribe. You learn key values growing up in South Dakota. I know Phil to be courteous and fair, and to have a strong work ethic. It is easy to see his character and his desire to not only get the job done, but also get it done well.

While I believe it would be easy to confirm Phil based solely on his character and values, it is also important to have someone who is well-qualified. Phil meets this

test. He has an outstanding resume and his experience would serve him well as chairman of the NIGC.

In my opinion, the chairman of the NIGC must have knowledge and background in three different areas.

First, the chairman should have knowledge of Indian gaming. Phil certainly meets this requirement. He was a member of the National Indian Gaming Commission from 1995 to 1999, which included time as vice chairman of the Commission. During his tenure, he visited gaming operations throughout the country and developed an understanding of the gaming industry. Also, his time at NIGC gives him vast knowledge of the industry and how the Commission operates. In fact, many staff who worked with Phil still remain at NIGC, which should provide a smooth transition.

However, knowledge of Indian gaming is not the only criteria needed. The chairman should also have the ability to work with American Indians. As I mentioned before, Phil is a member of the Oglala Sioux Tribe. However, his experience goes well beyond his cultural background. He served as legal counsel for numerous South Dakota tribes, including the tribes' gaming commissions.

Phil also served as South Dakota's U.S. attorney, Jackson County State's Attorney which includes portions of the Pine Ridge Indian Reservation, and as Judge on the Rosebud Sioux Tribe Court of Appeals.

Phil would also bring his vast experience of tribal culture and tribal laws. He has experience both regulating Indian gaming, and working with the tribes and casinos that are being regulated.

Finally, the chairman needs experience in Washington DC. The chairman must answer to the Administration, Congress, and other Government agencies. It is imperative that the new chairman understand the political process and work well with all branches of Government.

Phil meets this challenge as well. Phil was introduced to the political world as a staffer here on the Hill, when he worked for then Congressman Jim Abdnor. Since his initial experience on the Hill, Phil has served in other government positions. From 1992 to 1993, he held the position as director of the Office of American Indian Trust, within the Department of the Interior, and he is currently performing his duties as associate solicitor for Indian Affairs at the Department of the Interior.

It is easy to see that Phil Hogen is extremely well-qualified to be chairman of the NIGC. The Administration has done a fine job in selecting and nominating such an excellent candidate. Phil is a man of integrity, who will be both fair and just, while bringing an understanding of tribal issues.

Thank you again for allowing me to speak here today on behalf of Mr. Hogen. It is both an honor and a privilege to support a man of his character, and I urge this committee and the full Senate to support his nomination by confirming Phil Hogen as the next chairman of the National Indian Gaming Commission.

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CONGRESS OF THE UNITED STATES  
Washington, DC, September 12, 2002.

Hon. DANIEL K. INOUE,  
*Chairman, Committee on Indian Affairs,*  
*U.S. Senate, Washington, DC.*

Hon. BEN NIGHTHORSE CAMPBELL,  
*Vice Chairman, Committee on Indian Affairs,*  
*U.S. Senate, Washington, DC.*

DEAR CHAIRMAN INOUE AND VICE CHAIRMAN CAMPBELL: I am writing in regards to the nomination of Philip N. Hogen to serve as the next chairman of the National Indian Gaming Commission [NIGC].

President Bush has announced his intention to nominate Mr. Hogen to serve as the next chairman of the NIGC. I respectfully request your assistance in the Senate Indian Affairs Committee moving swiftly to confirm the nomination of Mr. Hogen for that position once the President files the official nomination.

Mr. Hogen's reputation for honesty and integrity is beyond question, and his work experience makes him an outstanding candidate to serve as the next chairman of the NIGC. Phil, an enrolled member of the Oglala Sioux Tribe, will serve Indian country and our entire Nation well in the fair and balanced regulation of Indian gaming. Our Nation's Indian tribes, the general public and the Administration will be well-served once the Senate confirms Mr. Hogen.

Once again, I would urge your committee and the Senate to promptly confirm Philip Hogen as chairman of the National Indian Gaming Commission. Thank you

for your attention to this matter. Please let me know if there is anything I can do to assist in this effort.

Very truly yours,

JOHN THUNE,  
*Member of Congress.*

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PREPARED STATEMENT OF HON. JOHN W. WARNER, U.S. SENATOR FROM VIRGINIA

Chairman Inouye, Senator Campbell and my other distinguished colleagues on the Senate's Indian Affairs Committee, I am pleased to introduce to you Quanah Crossland Stamps, who has been nominated to serve as Commissioner of the Administration for Native Americans.

As you know, the Administration for Native Americans promotes the goal of social and economic self-sufficiency for all Native Americans, including over 500 federally recognized tribes, 60 tribes that are State recognized or seeking Federal recognition, Indian organizations, over 200 Alaska villages, Native Hawaiian communities, and populations throughout the Pacific basin.

The Commissioner has an important mission; Ms. Stamps' qualifications make her well suited to pursue this mission.

Ms. Stamps has an impressive resume. I will highlight a few of her positions that I think make her uniquely qualified for this position.

In 1991, Ms. Stamps took a position at the Bureau of Indian Affairs (BIA) in the Division of Contracting and Grants Administration. At the BIA she worked on procurement policies and administrative processes at the Bureau.

While serving as Assistant Administrator for Native American Affairs at the Small Business Administration in 1994-96, she developed and implemented a pilot project to establish several rural reservation-based Tribal Business Information Centers (TBICs). These centers are still open today, aiding small businesses in areas of the country with high unemployment.

Upon completion of graduate studies in International Commerce and Public Policy at George Mason University in 2000, Ms. Stamps worked in Russia and Macedonia on projects to develop small businesses and community development organizations for the marketplace.

Mr. Chairman, Ms. Stamps is obviously extremely well-qualified to serve as our next Commissioner for the Administration for Native Americans. I am confident that she will serve in this position with distinction.

Again, I am pleased to introduce to you, Ms. Stamps. I look forward to the committee reporting her nomination favorably and for a confirmation vote before the full Senate.

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PREPARED STATEMENT OF PHILIP N. HOGEN, NOMINEE FOR CHAIRMAN OF THE  
NATIONAL INDIAN GAMING COMMISSION

Kadoka, South Dakota is the gateway to the Badlands in western South Dakota. That's where I was born and raised. My mother and her parents were born on the Pine Ridge Indian Reservation, just south of Kadoka. They were members of the Oglala Sioux Tribe, as I am. Mom still lives in Kadoka. My Father was born just north of Kadoka on the homestead of his Norwegian parents. When I was born, my Father was serving as a B-24 bombardier in the European theater. When he returned from the war, my parents opened a hardware store in Kadoka, and I grew up working in that store, and on the ranch that includes my grandfather's original homestead. Today my sister and her husband run that hardware store in Kadoka, which has been operating for over 56 years. My brother and his family operate the ranch, parts of which have been in Hogen ownership for over 90 years.

I learned to pitch pennies on the sidewalk in front of the hardware store, when things were slow. My mom and dad taught me to play cribbage and rummy at an early age, and when I was in grade school I got a roulette set for Christmas, and soon committed the odds and the pay-out schedule to memory. It didn't take long to learn that it didn't take much of an edge for the house to win most of the money. My buddies taught me how to play poker, and part of what I earned at the hardware store paid the tuition for that education.

I graduated from high school in Kadoka, and went to Augustana College in Sioux Falls, SD, studying economics, and then went right into law school at the University of South Dakota. My wife Marty and I were married between college and law school. Marty's family is from the Black Hills, where her father was a hardrock miner in the Homestake Gold Mine, and her mother at one time or another cooked in every

restaurant in Deadwood, SD. Marty and I were blessed with parents who instilled strong values and a work ethic in their children.

When I got out of law school I joined a good country lawyer in Kennebec, SD, just south of the Lower Brule and Crow Creek Sioux Reservations, and our practice included the representation of those tribes. Thus, I got a quick introduction to tribal government, tribal politics, and the overwhelming economic and social challenges facing Indian tribes. I witnessed first hand fruitless efforts to bring economic development, and the employment, wealth and dignity that comes with it, to Indian country.

Jim Abdnor was from Kennebec, and in 1972 he was elected to Congress. Although I'd never been to Washington, DC, he asked me to serve as his Administrative Assistant, and I was proud to do so, and I served with him through the 93d Congress. We were a green team, and just as we were learning the ropes in Congress, the American Indian Movement took over Wounded Knee on the Pine Ridge Reservation, in our district, and before that 73-day occupation was over, I was on a first-name basis with just about everybody in the BIA and the Justice Department. While on Congressman Abdnor's staff I learned something about how Congress and Washington work. A focus of my work there was the needs of South Dakota's nine Indian tribes. That Congress enacted the Indian Self-Determination and Education Assistance Act. The policy of termination was over, and the policy of Indian self-determination had begun.

When Congressman Abdnor was reelected in 1974, the only lawyer in Kadoka was elected to a judgeship, so I returned to Kadoka and became the States Attorney for a two-county area, which included the Northeast portion of the Pine Ridge Indian Reservation. Although this was a sparsely populated rural area, it included Interstate 90 and Badlands National Park, and as no alcohol was sold on the reservation, but it was in the rest of the county, we had more than our share of barroom brawls and DWI cases. Thus, it was a very active criminal prosecution practice. I became active in the South Dakota States Attorneys Association, and eventually served as the organization's president, as well as serving on the Board of Directors of the National District Attorneys Association.

In 1981 the Reagan administration was appointing new U.S. attorneys, and with newly elected Senator Jim Abdnor's help, I was appointed as the U.S. attorney for South Dakota. Unfortunately, the thing that characterized the caseload of that office was the prosecution of crimes of violence on South Dakota's Indian reservations, where there was Federal jurisdiction over major crimes. Nearly all of these crimes were substance-abuse related (mostly alcohol), and a large share of them were the result of domestic disputes. There is no doubt in my mind that the bleak poverty which prevailed on those reservations contributed significantly to that endemic violence there. During the 10 years I served as South Dakota's U.S. attorney I spent a great deal of time on reservations meeting with tribal councils and tribal and BIA law enforcement, as well as trying a large number of the violent-crime cases, hoping to reverse the cycles of violence I saw there.

As U.S. attorney, I first served on, and then chaired the Indian Affairs Subcommittee of the Attorney General's Advisory Committee of U.S. Attorneys. To begin with, this was only a handful of U.S. attorneys whose districts had Indian major crimes caseloads like mine—North Dakota, Montana, Minnesota, New Mexico, and Arizona. We had a challenge attracting much of the Department of Justice's attention or resources. Then in the late 1980's, Indian gaming started to spring up in a number of places, and U.S. attorneys were discovering Indians they didn't know they had. They came to our subcommittee seeking guidance about what to "do" about Indian gaming. We didn't have a very good answer, as the law in this regard was just developing. We watched with interest as the Supreme Court decided the *Cabazon* case in 1987, and offered our views as Congress considered and enacted the Indian Gaming Regulatory Act [IGRA] in 1988. The rules were then in place for what became the only economic engine to bring successful economic development to Indian country on a broad basis-Indian gaming.

While serving as chair of that Indian Affairs Subcommittee I gained a national perspective on the development of this industry, the implementation of IGRA, and participated in some of the early litigation which interpreted aspects of the then new act's application. These cases dealt with issues such as the act's card game "grandfather clause", and differences between Bingo and Keno. The industry was beginning its evolution from a few large-stakes bingo games to the multi-billion dollar business it is today.

In 1992 I left the U.S. Attorney's Office and the Department of Justice, and accepted Secretary Manuel Lujan's invitation to become the first director of the Office of American Indian Trust. The initial task there was to get the office open and orga-

nized. That effort was just under way when the Clinton administration and its team took over that task. I then returned to South Dakota to practice law in early 1993.

From my law office in Rapid City, SD, I focused on the practice of Indian law, appearing in most of the tribal courts in the State. Two of the major projects I undertook at that time were the representation of the Standing Rock Sioux Tribe's Tribal Gaming Commission, and the representation of my own tribe—the Oglala Sioux Tribe—as they undertook class III gaming on the Pine Ridge Reservation. The Oglala project was a comprehensive effort, including the drafting and adoption of a Tribal Gaming Ordinance, the negotiation of a tribal-State class III compact with the State of South Dakota and securing its approval by the Secretary of the Interior, the negotiation and submission of a Management Contract to the National Indian Gaming Commission, the drafting and adoption of Tribal Gaming Regulations, the selection and training of the Tribal Gaming Commission and its staff, as well as the construction and opening of the Prairie Winds Casino. This exercise familiarized me with all aspects of tribal gaming, and the challenges and opportunities presented in such efforts.

In 1995 I was asked by Secretary of the Interior Bruce Babbitt to serve as an associate member of the National Indian Gaming Commission. I accepted that offer, and took my oath of office from Secretary Babbitt on December 10, 1995.

I remained on the Commission until June 1999. During the 3½ years I served there three chairmen and one chairwoman, and two vice chairmen—including myself—presided over the Commission. Those were years of dramatic growth in the Indian gaming industry, and years in which the Commission struggled to stay abreast of the dynamic changes in the industry and its expansion.

My service on the Commission gave me a ring-side seat to observe the development and dynamics of this industry. One of its most dramatic features is its diversity. This diversity, of course, parallels the diversity of the Indian nations. While gaming has been a very successful tool for tribal economic development, it is worth noting that only about half the tribes have been able to, or have chosen to utilize it as a means of improving economic conditions on their reservations. And while gaming has been fabulously successful for a handful of the tribes that have chosen to utilize it, there is no direct correlation between the needs of the tribes and their ability to develop gaming businesses and employment on their reservations. Tribes' cultural traditions, their experience in the business world, the developers with whom they may have chosen to partner with in their undertakings, the gaming laws of the States in which their homelands are located, the competition for gaming dollars in their area, and to a very large extent, the market available to them all influence how successful particular tribes' efforts in the gaming industry may become.

Rural tribes in sparsely populated areas will likely never solve all their economic problems with tribal casinos. As long as they keep up with their competition, tribes located near large metropolitan markets will likely address most of their economic challenges with well-run gaming enterprises. Most of those in this latter category are wisely diversifying their economic bases, funding those efforts with their current gaming profits. Historically, gaming "booms" in the United States have been cyclical, and it would not be surprising to see the current national interest in gaming wane in years to come.

But large or small, full-scale casinos or week-end bingo operations in Indian country will only be successful if they are run in a squeaky-clean fashion, and if the perceptions of those operations are that they are well and fairly regulated. The first place that all tribal gaming operations must adequately fund and manage their gaming efforts is in the regulation and oversight of those operations. If they can't afford to have a first-class regulatory structure and operation, they can't afford to get involved in gaming. Tribal gaming as it exists today, having its Genesis in the 1980's, has had the benefit of building on the regulatory experiences of the States, particularly that of the State of Nevada. While Nevada learned how to regulate gaming the hard way, Tribes have had the luxury of starting with the auditing, surveillance and other tools which took decades to develop in Nevada. Further, technology, including computerized accounting systems, presently permit greater scrutiny of gaming operations than was ever available in the earlier days of commercial gaming.

While the structure created by the Indian Gaming Regulatory Act still has many critics in the Indian Community, the role of the National Indian Gaming Commission, in my view, has significantly contributed to the confidence which the public places in Tribal gaming operations. While it's true that many States conduct and regulate their own State lotteries without any outside oversight, most casino gaming and bingo operations in State environments are privately operated, and have outside State regulation and oversight. I think that adds to the confidence the public places in those operations. Similarly, while the first-line of defense, so to speak,

with respect to tribal gaming operations is the regulation of the Tribes themselves, the fact that NIGC is providing oversight and establishes standards which must be met and reports which must be filed, provides a needed objectivity which justifiably instills public confidence in those operations, and contributes to the success and patronage of those operations.

I feel that there ought to be a good relationship between the regulating agency and the community which it regulates, but each should guard against there becoming too close a relationship. As my drill instructor told my unit when we were in basic training: "he would be our friend, not our buddy;" I think this described the relationship which should exist between NIGC and the gaming tribes. There should be a dynamic tension between the regulator and the industry it regulates, but both sides should work to make the relationship a positive one. Regulators should see that rules are reasonable and easily understood. When it comes to enforcement, the regulator should be fair and firm, but should use common sense in the application of those rules, and avoid hyper-technical interpretations when regulations are applied to real-life situations.

By Federal standards, when I joined NIGC in 1995, it was an agency in its infancy. Although it was authorized with the passage of IGRA in 1988, it actually was not until 1991 that the first Commissioners were named, and in the months and years that followed those initial appointments, much of work done there was organizational and administrative in nature, getting the new agency started up, hiring staff, and drafting the agency's first regulations.

When I arrived at the Commission I spent a considerable amount of time studying other Federal regulatory structures, as diverse as the Postal Rate Commission and the Federal Trade Commission seeking models for an efficient and use-friendly organization. Among what I view to be significant accomplishments of NIGC while I had the privilege as serving there as an associate commissioner and vice chairman from 1995 through mid-1999, were the adoption of the agency's first staff manual, and the establishment of structured position descriptions and pay-scales and personnel policies for the Commission's staff. This period also saw the adoption of the agency's National Environmental Policy Act [NEPA] Manual, the revision of the funding structure which permitted the Commission to expand its efforts in an attempt to keep up with the growth of the regulated community, the opening of field offices and the hiring of additional staff, including a professional auditing team, and the adoption of Minimum Internal Control Standards [MICS] for the industry.

The development and implementation of the MICS were a challenging undertaking, and they were adopted in the face of some tribal objections. The concept, of course, was not original with the Commission, and the standards eventually adopted were built largely on the model the tribes themselves developed. The changes in the regulation of tribal gaming brought on by the MICS were minimal in many of the well-run, well-regulated tribal operations. Elsewhere, however, I am convinced that they greatly enhanced tribal operations and regulation, and in many cases, saved tribal operations dollars they didn't know they were losing. I think in the long run, this will be seen to have been a benchmark development in the field of tribal gaming regulation.

While on the Commission I spend a considerable amount of my time visiting tribal gaming operations, and traveling with the field staff. I found this provided me with an understanding and grasp of the nature and diversity of Indian gaming which I am not sure could have been achieved any other way.

Many of the talented employees working at NIGC while I served there are still with the Agency, as are many of those I helped select as the agency grew. I am confident that if I am confirmed and appointed to chair the Commission I will be able to work well with the staff at NIGC, and that my re-orientation process there can be short.

As the Indian gaming industry continues to experience significant growth, I expect that the Federal agency responsible for its oversight must not be permitted to fall behind. I know that the agency must continue to find better and more efficient ways to provide that oversight, but I also expect that given the extent and nature of task, more resources may well be required. I would hope that in this connection the industry and the Federal Government would join in meeting those needs.

When I finished my duties with the Commission in 1999, I opened my law office in Rapid City, SD, and began an "Of Counsel" affiliation with the national law firm of Holland & Knight LLP, through their offices in Washington, DC. The focus of my practice was Indian law, and much of that work was in the gaming area. Partners in the Holland & Knight firm had developed long-term relations with a number of gaming tribes, and when those clients asked the firm to assist with the regulation of their gaming operations, I was often called upon. I helped several tribal clients update their tribal gaming regulations, and from time to time, provided training



sessions for tribal gaming commissions and their staff. Some of the most exciting and interesting work I assisted with in my Of Counsel capacity with Holland & Knight was the development of gaming operations for tribes which were just entering the gaming field, including several operations in California. It was very rewarding to see those tribes find successful economic development, when often they had lacked such opportunities for decades.

My practice included other activities as well, and I again served as counsel for my own tribe's gaming commission, the Oglala Sioux Tribal Gaming Commission. I also served as general counsel for the tribe's institution for higher education, Oglala Lakota College.

Last Fall, Interior Secretary Gale Norton and Solicitor Bill Myers asked if I would join them as the Associate Solicitor for Indian Affairs, and I accepted that invitation, and began my present duties on October 25, 2001. Working with Assistant Secretary of Indian Affairs Neal McCaleb and the Bureau of Indian Affairs has been a most interesting and rewarding opportunity. The large and growing legal staff in the Division of Indian Affairs is a very busy and dedicated group, and it handles a very broad and diverse number of issues important to the Department of the Interior and individual Indians and Indian Tribes. Litigation focusing on the Department's fulfillment of its trust responsibility was one of the most significant areas our Division has been dealing with. I also had the privilege of serving on the Tribal Trust Reform Task Force which has been seeking better ways in which the Department can meet its trust obligations to Tribes and Indians. As the Associate Solicitor for Indian Affairs I provided counsel to the Secretary and the Assistant Secretary for Indian Affairs as Tribal-State Class III gaming compacts were reviewed, approved and rejected, and advised the Department in connection with its taking of lands into trust for Tribes for gaming and non-gaming purposes. I feel that this valuable experience will serve me well if I become the Chairman of the Commission, and will enhance the coordination necessary between the Department, the Bureau of Indian Affairs, and NIGC.

I think that the work I have had the privilege to do will provide a good background from which to lead the National Indian Gaming Commission. I understand how important Indian gaming is to the many tribes now engaged in it, and I understand that thorough, fair regulation of that industry is critical to its continued success. I think relationships I have developed over the years within the Tribal community, within the gaming industry, and in State governments and in the Federal Government can serve me well if called upon to keep the NIGC's oversight of tribal gaming strong, fair and efficient.

My wife Marty continues to teach Spanish in South Dakota's largest high school in Rapid City, and we have a lovely log home in the Black Hills. My daughter Vanya practices Indian law in Minneapolis, and my son Herb lives and works in Washington State. I have their support in connection with the challenge of this new position, and I am confident if this Committee and the Senate support my confirmation, and President Bush appoints me as the Chairman of the National Indian Gaming Commission, I can assure that the Commission fulfills its mission, and keeps the mandates of the Indian Gaming Regulatory Act.

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PREPARED STATEMENT OF QUANAH CROSSLAND STAMPS, NOMINEE FOR COMMISSIONER, ADMINISTRATION FOR NATIVE AMERICANS, DEPARTMENT OF HEALTH AND HUMAN SERVICES

Chairman Inouye, Vice Chairman Campbell and members of the committee. My name is Quanah Crossland Stamps and I am an enrolled member of the Cherokee Nation in Tahlequah, OK. It is an honor to appear before you as President George W. Bush's nominee to be the Commissioner of the Administration for Native Americans [ANA]. Joining me today are members of my family, my husband of 17 years, Col. Robert Stamps, and my daughter Sequoyah. I would also like to acknowledge my mother Nora Carrington and my father John Crossland who could not be here with me today, but are watching the live broadcast on the Internet.

Mr. Chairman and members of the committee, as you know, ANA, is located in the Department of Health and Human Services within the Administration for Children and Families. If I am confirmed for the statutory position of Commissioner, I will have the privilege to work with Secretary Tommy Thompson, and Assistant Secretary for Children and Families, Dr. Wade Horn. We will work together on social and economic development issues affecting American Indians, Alaskan Natives, Native Hawaiians, Samoans, and other indigenous populations throughout the Pacific Basin.

If confirmed, I will bring to the position a wide range of experiences that have prepared me for this important job. In 1990, I received my bachelor's degree from George Mason University and in 1991 I accepted a position with the Bureau of Indian Affairs [BIA] in the Division of Contracting and Grants Administration. During my tenure with the BIA, I worked on procurement policies issues governed by the Buy Indian and the Indian Self-Determination Acts. I also worked on the administrative processes that regulated contract and grant awards to Native American owned Business and tribal organizations.

I reviewed joint venture agreements and teaming arrangements related to the award and performance of BIA contracts. I drafted and provided written and oral comments on pending legislation, and I negotiated the regulations to implement the Indian Incentive and the Mentor-Protege programs.

In October 1994, I accepted the position of Assistant Administrator for Native American Affairs with the U.S. Small Business Administration [SBA]. As the Assistant Administrator, I was the senior policy adviser to the Administrator on business and economic development activities and the delivery of SBA programs that served Alaska, Hawaii and American Indian people in the lower 48 States. While at the SBA, I focused on opportunities to increase participation by Native American businesses and entrepreneurs in SBA's financial, business development, educational and technical assistance programs. As a result of my work, SBA realized a significant increase in the number of Native American businesses participating in these programs.

In fiscal years 1995 and 1996, I developed and implemented a 9-State pilot project to establish 21 rural reservation-based Tribal Business Information Centers [TBIC]. This was a joint Federal initiative with the BIA. It involved the negotiation of public/private partnerships in an effort to ensure these communities had access to technical, educational and financial assistance services necessary to establish small businesses and create employment opportunities. Today, due to the hard work of dedicated people and the support of communities, tribes, tribal colleges and several Federal agencies, there are 18 TBIC's operating which have helped to establish and expand hundreds of small businesses in areas of the country with chronic, high unemployment.

From 1998 to 2000, I completed my graduate studies in International Commerce and Public Policy at George Mason University. My studies focused on transitional economies, U.S. Trade Agreements, the process of country risk analysis, and international business transactions. In 1998, I also established a consulting practice to provide business technical assistance to foreign companies interested in accessing the U.S. marketplace. I accepted contracts to research the business strategies of U.S. aviation and aerospace companies, to provide business technical assistance to tribally owned firms, and to review community development proposals on behalf of the U.S. Department of the Treasury, Community Development Financial Institutions.

I have worked in the Russian Far East and the Republic of Macedonia on projects to develop small businesses and community development organizations. Each of these projects involved countries whose economies were in severe transition and had very little private sector development or employment opportunities. I worked with organizations to build their business capacities, market their communities, and sell their products in the international marketplace.

Mr. Chairman, and members of the Committee, if confirmed as Commissioner, I will serve as an effective and visible advocate on behalf of Native American people. I will be responsible for the oversight and administration of millions of dollars. The authorizing legislation for ANA is the Native American Programs Act [NAPA] of 1974. Currently, in accordance with this act, ANA distributes \$45.8 million annually for socio-economic development projects. ANA carries out this function through four discretionary grant programs: The Native Language Preservation Program; the Environmental Regulatory Enhancement Program; the Social, Economic, Developmental Strategies [SEDS] program; and the Alaska SEDS program.

In addition to these grant programs, ANA currently has six Training and Technical Assistance Contracts to assist Native Americans with the formulation of their ANA project plans and in the comprehensive development of ANA proposals.

In addition to managing these grant programs, if I am confirmed, I will also be the chair for the Department of Health and Human Services Intra-departmental Council for Native American Affairs. This council, which has recently been revitalized by Secretary Thompson and is consistent with the Secretary's "One Department" initiative, will bring together the senior staff of all HHS program offices to improve communication and to coordinate Native American programs and services. It will also ensure the development and consistent administration of policies affecting Native Americans.

Mr. Chairman and members of the committee, I realize that you cannot have healthy families and healthy communities without the appropriate infrastructure, businesses and jobs. I want to assure you that if I am confirmed, I will use creativity and innovation to design and implement social and economic development programs. I intend to partner with other Federal agencies and I will negotiate private/public partnerships in order to leverage the ANA budget. In pursuing these goals, I will confer with Congress, other Federal agencies, tribal governments, tribal colleges, and Native American organizations.

Mr. Chairman and members of the committee, as you know, the challenges facing indigenous communities in the United States and its territories are many. But, if we are to have healthy children and healthy families it is incumbent upon us to provide the resources that are appropriate for each distinct community.

Working together with the support of the Congress, the Department of Health and Human Services and other Federal agencies we can weave a tapestry of programs that help achieve sustainability and allow indigenous communities to become active participants and contributors to the global economy.

Thank you for the opportunity to testify before you today. I look forward to working with all of you. I would be pleased to answer any questions you might have.

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NORTHERN ARAPAHO BUSINESS COUNCIL,  
Fort Washakie, WY, September 24, 2002.

Hon. DANIEL K. INOUE,  
*Chairman, Committee on Indian Affairs,*  
*U.S. Senate, Washington, DC.*

DEAR CHAIRMAN INOUE: Recently, President Bush nominated Mr. Phillip Hogen as chairman of the National Indian Gaming Commission [NIGC].

The Northern Arapaho Business Council [NABC], on behalf of the Northern Arapaho Indian Tribe of the Wind River Reservation of Wyoming, strongly supports and recommends that the Senate Committee on Indian Affairs approve Mr. Hogen's nomination to the whole Senate.

Mr. Hogen's long service to Indian people, both in and out of Government, more than qualifies him to be confirmed to this vitally important job.

Phil Hogen has performed admirably in many important Government jobs, including U.S. attorney for South Dakota, commissioner of the National Indian Gaming Commission, and currently as associate solicitor for Indian Affairs within the U.S. Department of the Interior.

In addition to his high level job performances, Mr. Hogen is a man of integrity, honesty, and fairness.

Over the years, Indian country has observed Mr. Hogen deal with complex and difficult issues. Each and every time, the Northern Arapaho have observed him, he has demonstrated a keen intellect and a fair and balanced hand.

Recently, Mr. Hogen has served as legal adviser to the Department of the Interior on the Joint DOI/Tribal Task Force on Trust Reform. Although I have not always agreed with his public advice to the Department, I always believed that his conclusions were well thought out and only given after careful review of the law and the facts. During some of the deliberations, his conclusions were dictated by the Department of Justice and these positions should not be held against him as you consider his confirmation as chairman of the NIGC.

The Northern Arapaho strongly recommends a quick and unanimous confirmation of Phillip Hogen to the position of chairman of the National Indian Gaming Commission.

Your careful consideration in this matter is greatly appreciated.

Sincerely,

ANTHONY ADDISON, SR., *Chairman.*

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NORTHERN ARAPAHO BUSINESS COUNCIL,  
Fort Washakie, WY, September 24, 2002.

Hon. DANIEL K. INOUE,  
*Chairman, Committee on Indian Affairs,*  
*U.S. Senate, Washington, DC.*

DEAR CHAIRMAN INOUE: On behalf of the nearly 8,000 enrolled members of the Northern Arapaho Tribe, we are writing in support of the Presidential nominee for

Commissioner of the Administration for Native Americans, Administration for Children and Families, U.S. Department of Health and Human Services.

The President has nominated Quanah Crossland Stamps, an enrolled member of the Cherokee Nation with extensive experience working nationally in Indian country on economic development issues.

Quanah Stamps established the Tribal Business Information Centers across the United States. She has extensive experience in business development on American Indian reservations. For the last several years she has worked internationally in developing countries on sustainable economic development projects.

She is a member of the Cherokee Nation and will serve the cultural, community, governance and economic needs of indigenous people across this country. We fully support her nomination and ask that she receive a timely confirmation hearing so she can get to work.

Yours truly,

ANTHONY A. ADDISON, *Chairman.*

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STANDING ROCK SIOUX TRIBE,  
*Fort Yates, ND, September 4, 2002.*

Hon. DANIEL K. INOUE,  
*Chairman, Committee on Indian Affairs,*  
*U.S. Senate, Washington, DC.*

DEAR CHAIRMAN INOUE: On behalf of the 15,000 enrolled members of the Standing Rock Sioux Tribe, we are writing in support of the Presidential nominee for commissioner of the Administration for Native Americans, Administration for Children and Families, U.S. Department of Health and Human Services. The President has nominated Quanah Crossland Stamps, an enrolled member of the Cherokee Nation with extensive experience working nationally in Indian country on economic development issues. Quanah Stamps established the Tribal Business Information Centers program in South Dakota, North Dakota, North Carolina, Arizona, California, Minnesota, and Montana when she held the position of Assistant Administrator at the U.S. Small Business Administration.

She understands the challenges facing American Indian reservations and has complementary professional experience to help us resolve some of the major obstacles to increasing wealth for Native Americans. We urge your support of her nomination and ask for a speedy process so Quanah can get to work as commissioner for the Administration of Native Americans.

Sincerely,

CHARLES W. MURPHY, *Chairman.*

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